



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,353	03/30/2001	Zachariah Cobrinik	006878.112100	5341
32361	7590	08/21/2008		
GREENBERG TRAUIG, LLP				
MET LIFE BUILDING				
200 PARK AVENUE				
NEW YORK, NY 10166				
EXAMINER				
HAVAN, THU THAO				
ART UNIT		PAPER NUMBER		
3693				
NOTIFICATION DATE		DELIVERY MODE		
08/21/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

SchindlerB@gtlaw.com

LucasCh@gtlaw.com

NYIPmail@gtlaw.com

Office Action Summary

Application No.

09/823,353

Applicant(s)

COBRINIK ET AL.

Examiner

THU-THAO HAVAN

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-7, 9-13 and 50-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 50-60 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-7 and 10-13 is/are rejected.
- 7) ☐ Claim(s) 4 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-884)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Detailed Action

Response to Arguments

Applicant's arguments with respect to claims 1-2, 4-7, 9-13, and 50-60 have been considered but are moot in view of the new ground(s) of rejection.

Response to Arguments

Applicant's arguments with respect to claims 1-2, 4-7, 9-13, and 50-60 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claims **4** and **9** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-2**, **5-7**, and **10-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiron et al. (US 2003/0074293) in view of Groveman et al. (US 7,103,569) and further in view of Heffner et al. (US 2003/0018558).

Re claims 1, 6, and 11-13, Kiron teaches a method operable on a computer for establishing a derivative financial product (para. 0026: Kiron discloses list derivatives on the securitized open end funds), comprising the steps of:

storing on computer information defining a collared option hedge product for a selected stock (para. 0063 ; Kiron discloses an index of securitized funds, as well as linked derivative securities including puts and calls, futures, caps and floors, total return swaps, collars, etc);

allocating the collected demand for collared option hedge product ... (para. 0021-0037 and 0046: Kiron allocating portfolio value to a fixed number of shares over a predetermined period of time comprised by a real time open ended financial product); and

storing the allocated demand on computer (para. 0041 and 0043: Kiron discloses an electronic database (a "master database") of extensive statistical information stored in a computer).

However, Kiron does not explicitly teach wherein the demand includes for each of the plurality of potential customers a quantity of stock of each potential customer for investing in a pool in connection with said collared option hedge product demand for collared option hedge product. On the other hand, Groveman discloses wherein the demand includes for each of the plurality of potential customers a quantity of stock of each potential customer for investing in a pool in connection with said collared option hedge product demand for collared option hedge product when he discloses a tracking basket of equities is selected using optimization techniques to ensure that the selected stocks (both identity and quantity) satisfy prescribed criteria and each of the equities in the tracking

basket (or included in the index) is analyzed to determine the best candidates against which puts or calls can be sold (col. 3, lines 31-67). Groveman discloses the steps of enhancing the risk/reward profile of investing in the broader equity market or a particular sector of the market and offers the potential for profit in both rising and falling markets. Thus, it would have been obvious to one of ordinary skill in the art to demand for collared option hedge when determining options trading including collars in order to collectively track basket of selected equities as discloses in Groveman.

Furthermore, Kiron and Groveman do not explicitly teach collecting demand...from a plurality of potential customers. On the other hand, Heffner discloses collecting demand...from a plurality of potential customers (para. 0209, 0012-0013, 0019, 0078, 0127-0128, 0319, and 0328; fig. 5). Heffner discloses the investors then use collections of these purchased loan pools to create mortgage-backed securities. He discloses the purpose of the risk return module is to use collect the data over time to build dependence from subscribers on the system so that full trade-based decisions can be made based on the data available to the users in the risk return module. Thus, it would have been obvious to one of ordinary skill in the art to collect demand from a plurality of potential customers in relations to hedge a product because collecting products from customers enable a system to use the collected data over time to build dependence from subscribers/customers.

Re claims **2** and **7**, Groveman teaches product features including a put option strike price, a call option strike price, an active time period and a maximum quantity of stock accommodated by product (fig. 1). Groveman discloses all puts sold the sum of the puts' strike price times its quantity times and the ordinary contract multiplier for an options contract.

The strike prices that comprise the basket hedge is preferably made equal to the notional value of the tracking basket.

Re claims **5** and **10**, Groveman teaches predetermined plan includes diminishing the requested quantity of stock participation in the collared option hedge product for each of plurality of customers by a percentage equal to the percentage by which total demand exceeds the maximum quantity of stock allocated for the collared option hedge product (col. 4, lines 35-48).

Allowable Subject Matter

Claims **4**, **9**, and **50-60** are allowed.

The following is an examiner's statement of reasons for allowance: The prior arts of record fail to teach, singly or in combination, employing the couple value, if the demand for collared option hedge product exceeds the maximum quantity of stock accommodated by product, allocating the availability of the collared option hedge product in accordance with a predetermined plan.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday to Friday from 6am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Thu Thao Havan/
Art Unit 3693
8/4/08